

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL M. ANDREOLA, SR.,

Plaintiff,

v.

Case No. 04-C-0186

STATE OF WISCONSIN, ROCK COUNTY,
and ERIC RUNAAS,

Defendants.

ORDER

Plaintiff Daniel M. Andreola, Sr., brought a civil rights action under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc *et seq.* Judgment was entered in favor of defendants on all plaintiff's claims on January 18, 2006. On March 13, 2006, plaintiff filed a motion to vacate the judgment pursuant to Fed. R. Civ. P. 60(b), as well as a motion for recusal and a motion for change in venue. The basis for plaintiff's Rule 60 motion and motion for recusal is his discovery that I was appointed as a "special prosecutor" by the State of Wisconsin in 1992. Even assuming that this is "newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b)," a judge's former employment with a party or victim does not constitute grounds for recusal. *United States v. Ramusack*, 928 F.2d 780, 784 (7th Cir. 1991). Plaintiff's motion to vacate and motion for recusal are therefore **DENIED**. His motion to change venue is also **DENIED** as moot.

SO ORDERED this 16th day of March, 2006.

s/ William C. Griesbach

William C. Griesbach
United States District Judge